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Attorneys for the Complainants

AZ CORP COMMISSION
DOCKET COMPLAIN

BEFORE THE ARIZONA CORPORATION COMMISSION

RAYMOND R. PUGEL AND JULIE B.
PUGEL, husband and wife as trustees of THE
RAYMOND R. PUGEL and JULIE B. PUGEL
FAMILY TRUST,
and
ROBERT RANDALL and SALLY RANDALL,
husband and wife
Complainants,
v.
PINE WATER COMPANY, an Arizona
Corporation
Respondent..

DOCKET NO. W-03512A-06-0407

NOTICE OF FILING REBUTTAL
TESTIMONY

ASSET TRUST MANAGEMENT, CORP.
Complainants,
v.
PINE WATER COMPANY, an Arizona
Corporation
Respondent.

DOCKET NO. W-03512A-06 -0613

JAMES HILL and SIOUX HILL, husband and
wife and as trustees of THE HILL FAMILY
TRUST,
Complainants,
v.
PINE WATER COMPANY, an Arizona
Corporation
Respondent.

DOCKET NO. W-03512A-07-0100

Arizona Corporation Commission
DOCKETED

JAN 24 2008

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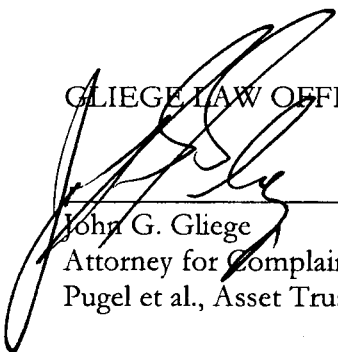
1 **BRENT WEEKES,**
2 **Complainants,**
3 **v.**
4 **PINE WATER COMPANY, an Arizona**
5 **Corporation**
6 **Respondent.**

DOCKET NO. W-03512A-07-0019

7 Complainants, RAYMOND R. PUGEL AND JULIE B. PUGEL, as trustees of THE RAYMOND
8 R. PUGEL and JULIE B. PUGEL FAMILY TRUST, and ROBERT RANDALL and SALLY RANDALL,
9 ASSET TRUST MANAGEMENT, and BRENT WEEKES, hereby submit the Notice of Filing Rebuttal
10 Testimony in this referenced matter. Attached hereto as Exhibit A is the Rebuttal Testimony of James
11 Bossert.

12 RESPECTFULLY SUBMITTED this 22nd day of January, 2008.

13
14 GLIEGE LAW OFFICES, PLLC

15
16 
17 John G. Gliege
18 Attorney for Complainants,
19 Pugel et al., Asset Trust Management, and Brent Weekes
20
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29

1 Original and 19 copies mailed/delivered
2 This 22nd day of January, 2008 to:

3 Arizona Corporation Commission
4 Attn: Docket Control
5 1200 W. Washington
6 Phoenix, AZ 85007

7 Copies of the foregoing mailed/delivered
8 This 22nd day of January, 2008 to:

9 Kevin O. Torrey
10 Attorney, Legal Division
11 Arizona Corporation Commission
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13 Phoenix, AZ 85007

14 Christopher Kempley, Chief Counsel
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EXHIBIT A

Rebuttal Testimony

Of

James Bossert

1
2 TESTIMONY OF JAMES BOSSERT
3

4 Question, State your full name:

5 Answer: James Bossert
6

7 Q: Have you worked for Brooke Utilities?

8 A: Yes
9

10 Q. Did you work for Brooke Utilities during the summer of 2007?

11 A. Yes
12

13 Q. Are you familiar with the operations of the Pine Water Company?

14 A. Yes, as a part of my work for Brooke Utilities I also worked with the operations of Pine Water
15 Company.
16

17 Q. Did you formerly work for Pine Water Company?

18 A. Yes, as a part of my employment by Brook Utilities
19

20 Q. Did you do work for Pine Water Company during the summer of 2007?

21 A. Yes
22

23 Q. What was your job in relation to Pine Water Company?

24 A. I did work for Pine as directed in the operations and maintenance of the water system.
25

26 Q. In the performance of your job duties were you familiar with water hauling by truck into the Pine Water
27 Company?

28 A. Yes
29

1 Q. In the performance of your job duties were you familiar with the operation of Project Magnolia, the
2 pipeline between the Pine Water Company and the Strawberry Water Company?

3 A. Yes

4
5 Q. Have you been apprised of the Complaint of Mr. Pugel and Mr. Randall against Pine Water Company
6 requesting deletion of their property from the Certificate of Convenience and Necessity of Pine Water
7 Company?

8 A. Yes

9
10 Q. Have you been made aware of the following testimony of Mr. Hardcastle in this matter?

11
12 From Hardcastle Testimony: Vol 6 pp 1254 and 1255

13
14 11 Q. During 2007, how much water has flowed from

15
16 12 Strawberry to Pine through project Magnolia?

17
18 13 A. To the best of my knowledge very little or none.

19
20 14 Q. So Pine has been sustaining off of trucked water

21
22 15 or what it produced to the community through its wells?

23
24 16 A. Primarily, yes.

25
26 17 Q. And you have had outages in Strawberry, also,

27
28 18 correct?

1 19 A. *We have had some outages in Strawberry.*

2
3 20 Q. *And how much water has flowed through project*

4
5 21 *Magnolia from Pine to Strawberry?*

6
7 22 A. *None that I am aware of.*

8
9 A. Yes

10 Q. To your knowledge was any water pumped from Pine Water Company to Strawberry Water Company
11 during the summer of 2007 through Project Magnolia? Yes, a substantial amount of water was pumped. I
12 do not have the record for precisely how much, but the Company should since I would email Misty the
13 meter readings after each time I operated the Project Magnolia System.

14
15 Q. Did this ever occur during the same time periods that Pine Water Company was also receiving water
16 trucked into Pine Water Company?

17 A. Yes

18
19 Q. When and under what circumstances did that occur?

20 A. This was not an unusual occurrence. It happened frequently on a majority of the dates I worked on Pine
21 Water Company items. For certain this occurred over the Labor Day weekend of 2007. If you were to look
22 at my timesheets you can see time entries for Pine Water Company, transmission and distribution
23 operations. I would enter the time that I spent operating Project Magnolia under this category. I would be
24 directed by Dave Allred, my supervisor, to go and turn on Project Magnolia to pump water from Pine to
25 Strawberry and was told how many gallons to send up the pipeline. I would personally turn on the system
26 which sent the water from Pine to Strawberry. When I was finished I turned off the Project Magnolia
27 system and I called Dave Allred, my supervisor, and also emailed to Misty the meter totals. This was the
28 standard operating procedure for doing this. The Company should have the records of how much water
29 was pumped from Pine to Strawberry during the summer of 2007 including the Labor Day Weekend. It

1 should be noted that to prevent vandalism there is a locked wellhouse at the Pine terminus of Project
2 Magnolia and I would have to unlock this wellhouse to gain access to the Project Magnolia system.

3
4 Q. Do you still work for Brooke Utilities or Pine Water Company?

5 A. No, I am no longer employed by Brooke Utilities.

6
7 Q. Does that conclude your testimony in this matter.

8 A. Yes it does.
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